

SENATE BILL NO. 195
INTRODUCED BY CRIPPEN

IN THE SENATE

January 18, 1983	Introduced and referred to Committee on Judiciary.
January 25, 1983	Committee recommend bill do pass. Report adopted.
January 26, 1983	Bill printed and placed on members' desks.
January 27, 1983	Second reading, do pass.
January 28, 1983	Correctly engrossed.
January 29, 1983	Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House.

IN THE HOUSE

January 29, 1983	Introduced and referred to Committee on Judiciary.
March 9, 1983	Committee recommend bill be concurred in. Report adopted.
March 10, 1983	Second reading, concurred in.
March 11, 1983	Third reading, concurred in.

IN THE SENATE

March 12, 1983	Returned to Senate. Sent to enrolling. Reported correctly enrolled.
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1 *Senate* BILL NO. 195
 2 INTRODUCED BY *Coyne*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "HASHISH" FOR
 5 PURPOSES OF THE CONTROLLED SUBSTANCES LAWS; AMENDING SECTION
 6 50-32-101, MCA."
 7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 50-32-101, MCA, is amended to read:
 10 "50-32-101. Definitions. As used in this chapter, the
 11 following definitions apply:

12 (1) "Administer" means the direct application of a
 13 dangerous drug, whether by injection, inhalation, ingestion,
 14 or any other means, to the body of a patient or research
 15 subject by:

- 16 (a) a practitioner (or by his authorized agent); or
- 17 (b) the patient or research subject at the direction
 18 and in the presence of the practitioner.

19 (2) "Agent" means an authorized person who acts on
 20 behalf of or at the direction of a manufacturer,
 21 distributor, or dispenser. It does not include a common or
 22 contract carrier, public warehouseman, or employee of the
 23 carrier or warehouseman.

24 (3) "Board" means the board of pharmacists provided
 25 for in 2-15-1843.

1 (4) "Bureau" means the drug enforcement
 2 administration, United States department of justice, or its
 3 successor agency.

4 (5) "Counterfeit substance" means a dangerous drug
 5 which or the container or labeling of which without
 6 authorization bears the trademark, trade name, or other
 7 identifying mark, imprint, number, or device or any likeness
 8 thereof of a manufacturer, distributor, or dispenser other
 9 than the person who in fact manufactured, distributed, or
 10 dispensed the drug.

11 (6) "Dangerous drug" means a drug, substance, or
 12 immediate precursor in Schedules I through V hereinafter set
 13 forth.

14 (7) "Deliver" or "delivery" means the actual,
 15 constructive, or attempted transfer from one person to
 16 another of a dangerous drug, whether or not there is an
 17 agency relationship.

18 (8) "Department" means the department of commerce
 19 provided for in Title 2, chapter 15, part 18.

20 (9) "Dispense" means to deliver a dangerous drug to an
 21 ultimate user or research subject by or pursuant to the
 22 lawful order of a practitioner, including the prescribing,
 23 administering, packaging, labeling, or compounding necessary
 24 to prepare the drug for that delivery.

25 (10) "Dispenser" means a practitioner who dispenses.

-2- INTRODUCED BILL
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1 (11) "Distribute" means to deliver other than by
2 administering or dispensing a dangerous drug.

3 (12) "Distributor" means a person who distributes.

4 (13) (a) "Drug" means:

5 (i) a substance recognized as a drug in the official
6 United States Pharmacopoeia/National Formulary or any
7 supplement to it;

8 (ii) a substance intended for use in the diagnosis,
9 cure, mitigation, treatment, or prevention of disease in man
10 or animals;

11 (iii) a substance (other than food) intended to affect
12 the structure or any function of the body of man or animals;
13 and

14 (iv) a substance intended for use as a component of any
15 article specified in (a)(i), (a)(ii), or (a)(iii) of this
16 subsection.

17 (b) "Drug" does not include a device or its
18 components, parts, or accessories.

19 (14) "Hashish", as distinguished from marijuana, means
20 the mechanically processed or extracted plant material that
21 contains tetrahydrocannabinol (THC) and is composed of resin
22 from the cannabis plant.

23 ~~(14)~~(15) "Immediate precursor" means a substance which
24 the board of pharmacists finds and by rule designates as
25 being the principal compound commonly used or produced

1 primarily for use and which is an immediate chemical
2 intermediary used or likely to be used in the manufacture of
3 a dangerous drug, the control of which is necessary to
4 prevent, curtail, or limit manufacture.

5 ~~(15)~~(16) (a) "Manufacture" means the production,
6 preparation, propagation, compounding, conversion, or
7 processing of a dangerous drug either directly or indirectly
8 by extraction from substances of natural origin,
9 independently by means of chemical synthesis, or by a
10 combination of extraction and chemical synthesis and
11 includes any packaging or repackaging of the drug or
12 labeling or relabeling of its container.

13 (b) "Manufacture" does not include the preparation or
14 compounding of a dangerous drug by an individual for his own
15 use or the preparation, compounding, packaging, or labeling
16 of a dangerous drug:

17 (i) by a practitioner as an incident to his
18 administering or dispensing of a dangerous drug in the
19 course of his professional practice; or

20 (ii) by a practitioner or his authorized agent under
21 his supervision for the purpose of or as an incident to
22 research, teaching, or chemical analysis and not for sale.

23 ~~(16)~~(17) "Marijuana (marihuana)" means all plant
24 material from the genus cannabis containing
25 tetrahydrocannabinol (THC) or seeds of the genus capable of

1 germination.

2 ~~(17)~~(18) "Narcotic drug" means any of the following,
3 whether produced directly or indirectly by extraction from
4 substances of vegetable origin, independently by means of
5 chemical synthesis, or by a combination of extraction and
6 chemical synthesis:

7 (a) opium and opiate and any salt, compound,
8 derivative, or preparation of opium or opiate;

9 (b) any salt, compound, isomer, derivative, or
10 preparation thereof which is chemically equivalent or
11 identical with any of the drugs referred to in ~~(17)~~(18)(a)
12 of this section, but not including the isoquinoline
13 alkaloids of opium;

14 (c) opium poppy and poppy straw; or

15 (d) coca leaves and any salt, compound, derivative, or
16 preparation of coca leaves and any salt, compound, isomer,
17 derivative, or preparation thereof which is chemically
18 equivalent or identical with any of these drugs, but not
19 including decocainized coca leaves or extractions of coca
20 leaves which do not contain cocaine or ecgonine.

21 ~~(18)~~(19) "Opiate" means any drug having an
22 addiction-forming or addiction-sustaining liability similar
23 to morphine or being capable of conversion into a drug
24 having addiction-forming or addiction-sustaining liability.
25 It does not include, unless specifically designated as a

1 dangerous drug under 50-32-202, the dextrorotatory isomer of
2 3-methoxy-n-methylmorphinan and its salts
3 (dextromethorphan). It does include its racemic and
4 levorotatory forms.

5 ~~(19)~~(20) "Opium poppy" means the plant of the species
6 papaver somniferum L., except its seeds.

7 ~~(20)~~(21) "Person" means an individual, corporation,
8 government or governmental subdivision or agency, business
9 trust, estate, trust, partnership, association, or any other
10 legal entity.

11 ~~(21)~~(22) "Poppy straw" means all parts, except the
12 seeds, of the opium poppy after mowing.

13 ~~(22)~~(23) "Practitioner" means:

14 (a) a physician, dentist, veterinarian, scientific
15 investigator, or other person licensed, registered, or
16 otherwise permitted to distribute, dispense, or conduct
17 research with respect to or to administer a dangerous drug
18 in the course of professional practice or research in this
19 state; and

20 (b) a pharmacy or other institution licensed,
21 registered, or otherwise permitted to distribute, dispense,
22 or conduct research with respect to or to administer a
23 dangerous drug in the course of professional practice or
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25 ~~(23)~~(24) The term "prescription" is given the meaning

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2 ~~(24)~~(25) "Production" includes the manufacture,
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4 or drug regulated under the provisions of this chapter.

5 ~~(25)~~(26) "State", when applied to a part of the United
6 States, includes any state, district, commonwealth,
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8 to the legal authority of the United States of America.

9 ~~(26)~~(27) "Ultimate user" means a person who lawfully
10 possesses a dangerous drug for his own use or for the use of
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-2- SECOND READING
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9 cure, mitigation, treatment, or prevention of disease in man
10 or animals;

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12 the structure or any function of the body of man or animals;
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20 ~~the mechanically processed or extracted plant material that~~
21 ~~contains tetrahydrocannabinol (THC) and is composed of resin~~
22 ~~from the cannabis plant.~~

23 §141(15) "Immediate precursor" means a substance which
24 the board of pharmacists finds and by rule designates as
25 being the principal compound commonly used or produced

1 primarily for use and which is an immediate chemical
2 intermediary used or likely to be used in the manufacture of
3 a dangerous drug, the control of which is necessary to
4 prevent, curtail, or limit manufacture.

5 ~~§151(16)~~ (a) "Manufacture" means the production,
6 preparation, propagation, compounding, conversion, or
7 processing of a dangerous drug either directly or indirectly
8 by extraction from substances of natural origin,
9 independently by means of chemical synthesis, or by a
10 combination of extraction and chemical synthesis and
11 includes any packaging or repackaging of the drug or
12 labeling or relabeling of its container.

13 (b) "Manufacture" does not include the preparation or
14 compounding of a dangerous drug by an individual for his own
15 use or the preparation, compounding, packaging, or labeling
16 of a dangerous drug:

17 (i) by a practitioner as an incident to his
18 administering or dispensing of a dangerous drug in the
19 course of his professional practice; or

20 (ii) by a practitioner or his authorized agent under
21 his supervision for the purpose of or as an incident to
22 research, teaching, or chemical analysis and not for sale.

23 ~~§161(17)~~ "Marijuana (marihuana)" means all plant
24 material from the genus cannabis containing
25 tetrahydrocannabinol (THC) or seeds of the genus capable of

1 germination.

2 ~~(17)~~(18) "Narcotic drug" means any of the following,

3 whether produced directly or indirectly by extraction from

4 substances of vegetable origin, independently by means of

5 chemical synthesis, or by a combination of extraction and

6 chemical synthesis:

7 (a) opium and opiate and any salt, compound,

8 derivative, or preparation of opium or opiate;

9 (b) any salt, compound, isomer, derivative, or

10 preparation thereof which is chemically equivalent or

11 identical with any of the drugs referred to in ~~(17)~~(18)(a)

12 of this section, but not including the isoquinoline

13 alkaloids of opium;

14 (c) opium poppy and poppy straw; or

15 (d) coca leaves and any salt, compound, derivative, or

16 preparation of coca leaves and any salt, compound, isomer,

17 derivative, or preparation thereof which is chemically

18 equivalent or identical with any of these drugs, but not

19 including decocainized coca leaves or extractions of coca

20 leaves which do not contain cocaine or ecgonine.

21 ~~(18)~~(19) "Opiate" means any drug having an

22 addiction-forming or addiction-sustaining liability similar

23 to morphine or being capable of conversion into a drug

24 having addiction-forming or addiction-sustaining liability.

25 It does not include, unless specifically designated as a

1 dangerous drug under 50-32-202, the dextrorotatory isomer of

2 3-methoxy-n-methylmorphinan and its salts

3 (dextromethorphan). It does include its racemic and

4 levorotatory forms.

5 ~~(19)~~(20) "Opium poppy" means the plant of the species

6 papaver somniferum L., except its seeds.

7 ~~(20)~~(21) "Person" means an individual, corporation,

8 government or governmental subdivision or agency, business

9 trust, estate, trust, partnership, association, or any other

10 legal entity.

11 ~~(21)~~(22) "Poppy straw" means all parts, except the

12 seeds, of the opium poppy after mowing.

13 ~~(22)~~(23) "Practitioner" means:

14 (a) a physician, dentist, veterinarian, scientific

15 investigator, or other person licensed, registered, or

16 otherwise permitted to distribute, dispense, or conduct

17 research with respect to or to administer a dangerous drug

18 in the course of professional practice or research in this

19 state; and

20 (b) a pharmacy or other institution licensed,

21 registered, or otherwise permitted to distribute, dispense,

22 or conduct research with respect to or to administer a

23 dangerous drug in the course of professional practice or

24 research in this state.

25 ~~(23)~~(24) The term "prescription" is given the meaning

1 it has in 37-7-101.

2 ~~(24)~~(25) "Production" includes the manufacture,
3 planting, cultivation, growing, or harvesting of a substance
4 or drug regulated under the provisions of this chapter.

5 ~~(25)~~(26) "State", when applied to a part of the United
6 States, includes any state, district, commonwealth,
7 territory, insular possession thereof, and any area subject
8 to the legal authority of the United States of America.

9 ~~(26)~~(27) "Ultimate user" means a person who lawfully
10 possesses a dangerous drug for his own use or for the use of
11 a member of his household or for administering to an animal
12 owned by him or by a member of his household."

-End-